

### REMARKS

Claims 1, 3-15, 17-20, 22-34 and 36-38 are pending. Claims 2, 16, 21 and 35 are cancelled. Claims 1, 9, 15, 20, 28 and 34 are amended. No new matter is added.

The Examiner rejected claims 9-14 and 28-33 under 35 U.S.C. 102(b) as being anticipated by "Welcome to Autodesk Onsite [Autodesk Onsite Help: authpub]", 2002 ("Autodesk Onsite"). The Examiner rejected claims 1, 3, 4, 6-8, 20, 22, 23 and 25-27 under 35 U.S.C. 103(a) as being unpatentable over Gazza Interactive Maps ("Nicholson") in view of ChooseClimate. The Examiner rejected claims 5 and 24 under 35 U.S.C. 103(a) as being unpatentable over Nicholson in view of ChooseClimate and further in view of Autodesk Onsite. Claims 15, 17-19, 34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Autodesk Onsite further in view of MapProjections.

The applicant respectfully traverses the rejections and requests reconsideration in view of the amendments and remarks herein.

#### **I. 102 Rejections**

Claims 9-14 and 28-33 stand rejected under 35 U.S.C. 102(b) as being anticipated by Autodesk Onsite.

##### Claims 9-14

Claim 9 recites a method for dynamically displaying an area bounded by great circle paths. The Examiner asserts the method is anticipated by Autodesk Onsite. The applicant respectfully submits the Examiner is mistaken, and has amended claim 9 to further clarify what "dynamically displaying a boundary path" means, as Autodesk Onsite does not disclose such a dynamic display.

The method recited in claim 9 provides that a user can position a cursor over a location and input the cursor position (*e.g.*, if using a mouse, the user can "click" on the position, although other user controls can be used, and this is but one example). The user can then drag the cursor over the map toward a next position (*i.e.*, an adjacent location). However, as the user drags the cursor, a path extending from the first cursor position to the moving cursor (*i.e.*, as it is being dragged) is displayed and the path represents the great circle path from the first cursor

position to the moving position of the cursor while being dragged. This is the dynamic aspect of the method. That is, the path is dynamically displayed while the cursor is moving toward an adjacent location and the path represents a great circle path. This dynamic display of a great circle path between adjacent locations representing vertices that together define an area is not disclosed in Autodesk Onsite.

By contrast, Autodesk Onsite discloses the following, as was explicitly recited in an Information Disclosure Statement filed by the applicant in July, 2005. In the Autodesk Onsite reference, a system is disclosed wherein a two-dimensional representation of three-dimensional geographic data can be displayed. A user can click on the two-dimensional representation (displayed on a computer monitor) using a mouse to select an initial location. A user can then click on the two-dimensional representation and drag the cursor to a final location. While dragging the cursor, a straight path between the initial location and the cursor is displayed. Once the user released the cursor, thereby selecting the final location, the straight path is replaced by a path representing the great circle path between the initial and the final location. Thus, there is no dynamic display of the *great circle path* as is required by claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). As the Autodesk Onsite reference does not disclose every limitation recited in claim 9, claim 9 is not anticipated by the reference. Claim 9 is therefore in condition for allowance, as are claims 10-14 which depend therefrom.

#### Claims 28-33

Claim 28 recites a computer program product for displaying an area bounded by great circle paths. The computer program product includes instructions operable to cause a programmable processor to take certain steps recited, including dynamically displaying a boundary path between adjacent locations. For at least the reasons discussed above in reference to claim 9, Autodesk Onsite does not disclose such a dynamic display. Claim 28 is therefore in condition for allowance, as are claims 29-33 which depend therefrom.

## **II. 103 Rejections**

### **Claims 1 and 3-8**

Claim 1 recites a computer-implemented method for dynamically displaying a path between at least two geographic locations. The Examiner rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Nicholson in view of ChooseClimate. Claim 1 includes a step of “while receiving the additional user input, dynamically displaying a great circle path extending from the initial location toward each of the plurality of intermediate locations and terminating at the final location”. The applicant respectfully submits that the Nicholson reference in view of ChooseClimate does not disclose such a dynamic display. Claim 1 is amended to further clarify what is meant by dynamically displaying a great circle path.

The method recited in claim 1 provides that a user can position a cursor over the initial location and input a first cursor position (*e.g.*, if using a mouse, the user can “click” on the position, although other user controls can be used, and this is but one example). The user can then drag the cursor over the map to a position over the final location. As the user drags the cursor, a path extending from the first cursor position to various positions of the moving cursor being dragged [the various positions described in the claims as the plurality of intermediate locations] is displayed; the path represents the great circle path from the first cursor position to the moving position of the cursor while being dragged. This is the dynamic aspect of the method. That is, the path is dynamically displayed while the cursor is moving to a position over the final location and the path represents a great circle path.

This dynamic display of a great circle path between the initial and final locations is not disclosed in Nicholson nor ChooseClimate either alone in combination. The Examiner acknowledges that Nicholson does not explicitly teach dynamically displaying a great circle path (Office Action, p.6). The Examiner relies on ChooseClimate as allegedly teaching this feature. ChooseClimate does not disclose dragging a cursor and dynamically displaying a continually increasing great circle path from the first position of the cursor to the cursor at various positions while being dragged. By contrast, in ChooseClimate a user can select a first location and then

select a second location, following which a great circle path between the two locations is displayed. There is no dynamic display as required by claim 1.

The applicant respectfully submits the Examiner has failed to show a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings" [MPEP, §2143]. Second, to establish a case of *prima facie* obviousness, "there must be a reasonable expectation of success". Third, "the prior art reference (or references when combined) must teach or suggest all the claim limitations" [MPEP, §2143].

As the prior art references cited by the Examiner do not teach or suggest all of the claim limitations, as discussed above, the applicant respectfully submits claim 1 is in condition for allowance, as are claims 3-8 which depend therefrom.

#### Claims 20 and 22-27

Claim 20 recites a computer program product for dynamically displaying a path between at least two geographic locations. The computer program product includes instructions operable to cause a programmable processor to take certain steps recited, including dynamically displaying a great circle path between initial and final locations. For at least the reasons discussed above in reference to claim 1, the Nicholson reference in view of ChooseClimate does not disclose such a dynamic display. Claim 20 is therefore in condition for allowance, as are claims 22-27 which depend therefrom.

#### Claims 15 and 17-19

Claims 15 and 17-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Autodesk Onsite further in view of MapProjections.

Claim 15 recites a method for dynamically displaying a path between at least two geographic locations. The method includes dynamically displaying a path of constant direction extending from an initial location toward each of a plurality of intermediate locations and ultimately terminating at a final location. A path of constant direction is different than a great circle path; a great circle path constantly changes direction. A path of constant direction has a

constant direction, for example, sailors often used this technique for charting a course. Once the appropriate direction was determined, the sailor maintained a constant compass direction to travel from an initial location to a final location (see Specification p. 15, para. 64).

Autodesk Onsite discloses displaying a great circle path, as contrasted to a path of constant direction, which is acknowledged by the Examiner (Office Action, p.13). The Examiner relies on MapProjections as allegedly teaching that “any straight line on the map is line [*sic*] of constant direction” (Office Action, p.13), referring to page 3 of the MapProjections reference. The applicant respectfully disagrees with the Examiner. MapProjections simply describes that a rhumb line is a line of constant direction and, on the map described in the reference, is represented as a straight line on the map. There is no disclosure of dynamically displaying a path of constant direction, neither in Autodesk Onsite nor MapProjections.

The applicant has amended claim 15 to further clarify what is meant by dynamically displaying a path of constant direction. That is, a user can specify the initial location by positioning a cursor over a first cursor position and inputting the first cursor position. The user can then drag the position of the cursor through various intermediate locations while advancing toward a final location. As the cursor is dragged, a path of constant direction between the first cursor position and the moving cursor is *dynamically displayed*. This dynamic display of a path of constant direction is not disclosed or suggested by the references cited by the Examiner. Accordingly, a *prima facie* case of obviousness is not established and claim 15 is in condition for allowance, as are claims 17-19 depending therefrom.

Claims 34 and 36-38

Claim 34 recites a computer program product for dynamically displaying a path between at least two geographic locations. The computer program product includes instructions operable to cause a programmable processor to take certain steps recited, including dynamically displaying a path of constant direction extending from an initial location toward each of a plurality of intermediate locations and termination at a final location. For at least the reasons discussed above in reference to claim 15, the Autodesk Onsite reference in view of

MapProjections does not disclose such a dynamic display. Claim 34 is therefore in condition for allowance, as are claims 36-38 which depend therefrom.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

The three-month extension of time fee in the amount of \$1020 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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/Brenda M. Leeds Binder/ \_\_\_\_\_  
Brenda M. Leeds Binder  
Reg. No. 57,520

Fish & Richardson P.C.  
500 Arguello Street, Suite 500  
Redwood City, California 94063  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071